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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT)  
 ANTITRUST LITIGATION

This Document Relates to:

*Electrograph Sys., Inc. v. Hitachi, Ltd.*,  
 No. 11-cv-01656;

*Electrograph Sys., Inc. v. Technicolor SA*,  
 No. 13-cv-05724;

*Siegel v. Hitachi, Ltd.*,  
 No. 11-cv-05502;

*Siegel v. Technicolor SA*,  
 No. 13-cv-05261;

*Best Buy Co., Inc. v. Hitachi, Ltd.*,  
 No. 11-cv-05513;

) Case No. 07-5944-SC

) MDL No. 1917

) **DECLARATION OF TIFFANY B. GELOTT**  
 ) **IN SUPPORT OF KONINKLIJKE PHILIPS**  
 ) **N.V.'S ADMINISTRATIVE MOTION TO**  
 ) **FILE DOCUMENTS UNDER SEAL**  
 ) **PURSUANT TO CIVIL LOCAL RULES 7-11**  
 ) **AND 79-5(d)**

) Date: February 6, 2015

) Time: 10:00 a.m.

) Place: Courtroom No. 1, 17th Floor

) Hon. Samuel Conti

1 *Best Buy Co., Inc. v. Technicolor SA,*  
2 No. 13-cv-05264;  
3 *Interbond Corp. of Am. v. Hitachi, Ltd.,*  
4 No. 11-cv-06275;  
5 *Interbond Corp. of Am. v. Technicolor SA,*  
6 No. 13-cv-05727;  
7 *Office Depot, Inc. v. Hitachi, Ltd.,*  
8 No. 11-cv-06276;  
9 *Office Depot, Inc. v. Technicolor SA,*  
10 No. 13-cv-05726;  
11 *CompuCom Sys., Inc. v. Hitachi, Ltd.,*  
12 No. 11-cv-06396;  
13 *P.C. Richard & Son Long Island Corp. v.*  
14 *Hitachi, Ltd.,*  
15 No. 12-cv-02648;  
16 *P.C. Richard & Son Long Island Corp. v.*  
17 *Technicolor SA,*  
18 No. 13-cv-05725;  
19 *Schultze Agency Servs., LLC v. Hitachi, Ltd.,*  
20 No. 12-cv-02649;  
21 *Schultze Agency Servs., LLC v. Technicolor SA,*  
22 No. 13-cv-05668;  
23 *Tech Data Corp. v. Hitachi, Ltd.,*  
24 No. 13-cv-00157;  
25 *Dell Inc. v. Hitachi Ltd.,*  
26 No. 13-cv-02171;  
27 *Sears, Roebuck and Co. and Kmart Corp. v.*  
28 *Technicolor SA,*  
No. 13-cv-05262  
*Sears, Roebuck and Co. and Kmart Corp. v.*  
*Chunghwa Picture Tubes, Ltd.,*  
No. 11-cv-05514  
*Sharp Electronics Corp. v. Hitachi Ltd.,*  
No. 13-cv-1173 SC

1 *Sharp Electronics Corp. v. Koninklijke Philips* )  
2 *Elecs., N.V.,* )  
3 No. 13-cv-2776 SC )  
4 *ViewSonic Corp. v. Chunghwa Picture Tubes,* )  
5 *Ltd.,* )  
6 No. 14-cv-2510 SC )  
7 *All Indirect Purchaser Actions* )

1 I, Tiffany B. Gelott, declare and state as follows:

2 1. I am an attorney with Baker Botts LLP, counsel for Koninklijke Philips N.V. (“KPNV”)  
3 in the above-captioned action. I am a member of the bar of the District of Columbia and have been  
4 admitted to practice before this Court on this matter *pro hac vice*. I make this declaration pursuant to  
5 Civil Local Rule 79-5(d) to establish that certain documents containing “Confidential” and “Highly  
6 Confidential” information that have been submitted to the Court in connection with KPNV’s Notice  
7 and Motion for Summary Judgment (“Summary Judgment Motion”) are sealable. Except for those  
8 matters stated on information and belief, about which I am informed and believe to be true, I have  
9 personal knowledge of the facts stated herein and, if called as witness, I could and would competently  
10 testify thereto.

11 2. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this matter  
12 (Dkt. No. 306) (the “Protective Order”). On November 7, 2014, KPNV filed an Administrative Motion  
13 to Seal, and lodged conditionally under seal, the following documents, or portions thereof, pursuant to  
14 Civil Local Rules 7-11 and 79-5(d):

- 15 • Portions of the Summary Judgment that contain information from documents that  
16 Defendants have designated “Confidential” or “Highly Confidential”; and
- 17 • Exhibits 1, 2, 4, 7, 9-22, 24, and 26-29 to the Declaration of Tiffany B. Gelott in  
18 Support of Koninklijke Philips N.V.’s Notice of Motion and Motion For Summary  
19 Judgment (“Gelott Declaration”).

20 3. The documents or portions of the documents submitted under seal contain either (a) material  
21 designated by KPNV, other Defendants, or Plaintiffs pursuant to the Stipulated Protective Order (Dkt.  
22 306, June 18, 2008) as “Confidential” or “Highly Confidential” or (b) an analysis of, references to, or  
23 information taken directly from material designated by KPNV, other Defendants, or Plaintiffs pursuant  
24 to the Stipulated Protective Order as “Confidential” or “Highly Confidential.”

25 4. Therefore, pursuant to Civil Local Rule 79-5(d), I also make this declaration on behalf  
26 of KPNV to provide the basis for the Court to maintain under seal certain documents and information  
27 designated by KPNV as “Confidential” and “Highly Confidential” pursuant to the Stipulated Protective  
28

1 Order, and all references to those documents and information in the Summary Judgment Motion and  
 2 the exhibits to the Gelott Declaration.

3 5. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order No. 92, Electronic  
 4 Filing of Documents Under Seal, effective May 10, 2010, and the Stipulated Protective Order, the  
 5 following Exhibits to the Gelott Declaration should be maintained under seal:

- 6 a. Attached as Exhibit 1 to the Gelott Declaration is the Reply Expert Report of Janet S. Netz,  
 7 Ph.D on Affirmative Defenses (August 5, 2014) ("Netz Reply Report") that has been  
 8 designed "Confidential" pursuant to the Stipulated Protective Order;
- 9 b. Attached as Exhibit 2 to the Gelott Declaration are excerpts of the Deposition of Roger De  
 10 Moor (July 31, and August 1, 2012) ("De Moor Dep."), who was designated as a Fed. R.  
 11 Civ. P. 30(b)(6) witness for KPNV, that KPNV designated as "Highly Confidential"  
 12 pursuant to the Stipulated Protective Order;
- 13 c. Attached as Exhibit 4 to the Gelott Declaration are excerpts of the Deposition of Jim Smith  
 14 (Dec. 12–13, 2013) ("Smith Dep.") that KPNV designated as "Highly Confidential"  
 15 pursuant to the Stipulated Protective Order;
- 16 d. Attached as Exhibit 9 to the Gelott Declaration is copy of the Declaration of Franciscus  
 17 Spaargaren (Apr. 10, 2014) ("Spaargaren Decl.") that KPNV designated as "Highly  
 18 Confidential" pursuant to the Stipulated Protective Order;
- 19 e. Attached as Exhibit 10 to the Gelott Declaration are excerpts of the Deposition of  
 20 Franciscus Spaargaren (Aug. 27, 2014) ("Spaargaren Dep.") that KPNV designated as  
 21 "Highly Confidential" pursuant to the Stipulated Protective Order;
- 22 f. Attached as Exhibit 11 to the Gelott Declaration are excerpts of the Deposition of Wiebo  
 23 Vaartjes (Dec. 18–19, 2013) ("Vaartjes Dep.") that KPNV designated as "Highly  
 24 Confidential" pursuant to the Stipulated Protective Order;
- 25 g. Attached as Exhibit 12 to the Gelott Declaration is the Declaration of Geert Raaijmakers  
 26 (Sept. 23, 2014) ("Raaijmakers Decl.") that KPNV designated as "Highly Confidential"  
 27 pursuant to the Stipulated Protective Order;
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- h. Attached as Exhibit 14 to the Gelott Declaration are excerpts of the Deposition of Patrick Canavan (Jan 30-31, 2014) (“Canavan Dep.”) that KPNV designated as “Highly Confidential” pursuant to the Stipulated Protective Order;
- i. Attached as Exhibit 15 to the Gelott Declaration are excerpts of the Deposition of Bob O’Brien (Mar. 20–21, 2014) (“O’Brien Dep.”) that KPNV designated as “Highly Confidential” pursuant to the Stipulated Protective Order;
- j. Attached as Exhibit 16 to the Gelott Declaration is a document produced by KPNV in this litigation with the bates number, PHLP-CRT-002306 that KPNV designated as “Confidential” pursuant to the Stipulated Protective Order;
- k. Attached as Exhibit 21 to the Gelott Declaration is a document produced by KPNV in this litigation with the bates number, PHLP-CRT-002422–427 that KPNV designated as “Confidential” pursuant to the Stipulated Protective Order;
- l. Attached as Exhibit 22 to the Gelott Declaration is a document produced by KPNV in this litigation with the bates number, PHLP-CRT-052781 that KPNV designated as “Confidential” pursuant to the Stipulated Protective Order;
- m. Attached as Exhibit 28 to the Gelott Declaration is a document produced by KPNV in this litigation with the bates number, PHLP-CRT-002479–80 that KPNV designated as “Confidential” pursuant to the Stipulated Protective Order.

6. Upon information and belief, the documents and testimony contained within Exhibits 1, 2, 4, 9, 10, 11, 12, 14, 15, 16, 21, 22, and 28 to the Gelott Declaration were designated by KPNV as either “Confidential” or “Highly Confidential” pursuant to the Stipulated Protective Order because they contain confidential, nonpublic, and highly sensitive business information about KPNV’s sales practices, business and supply agreements, and competitive positions. The documents and testimony describe relationships with companies (including customers and vendors) that remain important to KPNV’s and its direct or indirect subsidiaries’ competitive positions. Publicly disclosing this sensitive information presents a risk of undermining KPNV’s and its direct or indirect subsidiaries’

1 relationships, would cause harm with respect to customers, and would put KPNV and its direct or  
2 indirect subsidiaries at a competitive disadvantage.

3 7. The highlighted portions of the Summary Judgment Motion quote from, describe, or contain  
4 documents or information designated as “Confidential” or “Highly Confidential” by KPNV pursuant to  
5 the Stipulated Protective Order, including Exhibits 1, 2, 4, 9, 10, 11, 12, 14, 15, 16, 21, 22, and 28 to  
6 the Gelott Declaration. I understand that KPNV considers any statements in the Summary Judgment  
7 Motion that summarize the exhibits and other documents or information designated as “Confidential”  
8 or “Highly Confidential” by KPNV is confidential and proprietary. I am informed and believe that  
9 KPNV has taken reasonable steps to preserve the confidentiality of information of the type contained,  
10 identified, or cited to in Exhibits 1, 2, 4, 9, 10, 11, 12, 14, 15, 16, 21, 22, and 28, and referenced in the  
11 Summary Judgment Motion.

12 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
13 knowledge and information.

14 Executed on November 7, 2014 in Washington, D.C.

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16  
17 /s/ Tiffany Gelott

18 Tiffany Gelott  
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